

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1382

Introduced by Senator Morrow

February 21, 2006

An act to amend Section 645 of, and to add Section 3053.1 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, as amended, Morrow. Conditions of parole.

Existing law provides that for a first conviction of specified sex offenses if the victim is under 13 years of age, a defendant may, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that offense or any other provision of law, at the discretion of the court.

This bill would instead provide in that under those circumstances a defendant shall, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that offense or any other provision of law.

Existing law provides that for a 2nd conviction of specified sex offenses, if the victim is under 13 years of age, a defendant shall, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that offense or any other provision of law.

This bill would instead provide that upon parole a defendant shall undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that

offense or any other provision of law for a 2nd conviction if the victim was under 16 years of age.

Existing law specifies the convictions that qualify a defendant for medroxyprogesterone acetate treatment or its chemical equivalent.

This bill would add felony possession of obscene matter depicting a person under 18 years of age engaging in or simulating sexual conduct, as defined, to the list of offenses that qualify a defendant for medroxyprogesterone acetate treatment or its chemical equivalent.

~~Existing law also provides that under certain circumstances other specified conditions of parole must be imposed on a parolee.~~

~~This bill would provide that any person who is released on parole must be subject to a curfew, as defined, as a condition of parole. This bill also would provide that the curfew condition may be waived or modified upon a showing of good cause.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 645 of the Penal Code is amended to
- 2 read:
- 3 645. (a) Any person guilty of a first conviction of any
- 4 offense specified in subdivision (c), where the victim has not
- 5 attained 13 years of age, shall, upon parole, undergo
- 6 medroxyprogesterone acetate treatment or its chemical
- 7 equivalent, in addition to any other punishment prescribed for
- 8 that offense or any other provision of law.
- 9 (b) Any person guilty of a second conviction of any offense
- 10 specified in subdivision (c), where the victim has not attained 16
- 11 years of age, shall, upon parole, undergo medroxyprogesterone
- 12 acetate treatment or its chemical equivalent, in addition to any
- 13 other punishment prescribed for that offense or any other
- 14 provision of law.
- 15 (c) This section shall apply to the following offenses:
- 16 (1) Subdivision (c) or (d) of Section 286.
- 17 (2) Paragraph (1) of subdivision (b) of Section 288.
- 18 (3) Subdivision (c) or (d) of Section 288a.
- 19 (4) Subdivision (a) or (j) of Section 289.
- 20 (5) Subdivision (b) of Section 311.11.

1 (d) The parolee shall begin medroxyprogesterone acetate
2 treatment one week prior to his or her release from confinement
3 in the state prison or other institution and shall continue
4 treatments until the Department of Corrections demonstrates to
5 the Board of Prison Terms that this treatment is no longer
6 necessary.

7 (e) If a person voluntarily undergoes a permanent, surgical
8 alternative to hormonal chemical treatment for sex offenders, he
9 or she shall not be subject to this section.

10 (f) The Department of Corrections shall administer this section
11 and implement the protocols required by this section. Nothing in
12 the protocols shall require an employee of the Department of
13 Corrections who is a physician and surgeon licensed pursuant to
14 Chapter 5 (commencing with Section 2000) of Division 2 of the
15 Business and Professions Code or the Osteopathic Initiative Act
16 to participate against his or her will in the administration of the
17 provisions of this section. These protocols shall include, but not
18 be limited to, a requirement to inform the person about the effect
19 of hormonal chemical treatment and any side effects that may
20 result from it. A person subject to this section shall acknowledge
21 the receipt of this information.

22 ~~SEC. 2. Section 3053.1 is added to the Penal Code, to read:~~

23 ~~3053.1. (a) Any person who is released from prison on parole~~
24 ~~shall, as a condition of parole, be subject to a curfew from 10~~
25 ~~p.m. to 6 a.m. for the entire term of parole.~~

26 ~~(b) For the purposes of this section, "curfew" means that~~
27 ~~during the time period specified in subdivision (a), the parolee~~
28 ~~must be physically present at his or her place of residence.~~

29 ~~(c) The paroling authority or a court with jurisdiction over the~~
30 ~~parolee, upon a showing of good cause, may waive or modify the~~
31 ~~curfew condition imposed in subdivision (a).~~